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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

SERIAL NO. : 10/608,173
APPLICANTS : Chipchase et al.
FILING DATE : June 27, 2003
ART UNIT : 2618
EXAMINER : Rego, Dominic E.

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TITLE : A REPOSITORY FOR A MOBILE PHONE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' APPEAL BRIEF

Sir:

Commensurate with the Notice of Appeal filed on November 28, 2007, Applicants/Appellants hereby submit this Appeal Brief to the Board of Patent Appeals and Interferences (hereinafter, the Board) under 37 C.F.R. §41.31 and §41.37, and a draft for \$950 which includes the \$500 appeal brief fee set forth in 37 C.F.R. §41.20(b)(2) and the \$450 fee for a two-month extension of time. Based on the above-mentioned Notice of Appeal, a petition for a two-month extension of time is due and included. However, should the undersigned agent be mistaken, please consider this a petition for an extension of time under 37 C.F.R. §1.136(a) or (b) that may be required to avoid dismissal of this appeal, and charge Deposit Account No. 50-1924 for any required fee deficiency.

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(1) REAL PARTY IN INTEREST

The real party in interest (RPI) is Nokia Corporation of Espoo, Finland, cited in an assignment of the US application recorded on October 14, 2003 at reel 014582, frame 0180.

(2) RELATED APPEALS AND INTERFERENCES

There are no other pending appeals or interferences of which the undersigned representative and assignee/RPI is aware that will directly affect, be directly affected by or have a bearing on the Board's decision in this appeal.

(3) STATUS OF CLAIMS

Claims 1-16 stand finally rejected by a Final Office Action dated June 1, 2006. These claims are pending in this appeal, and are reproduced in an Appendix (Section 8) accompanying this Brief.

(4) STATUS OF AMENDMENTS

No amendment to the claims was proposed subsequent to the final rejection of the claims in the Final Office Action dated June 1, 2006.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

In one exemplary embodiment, and as recited in independent claim 1, a repository (10) for a plurality of objects (e.g., 118, 120, 122) includes: a body (114), wireless communication means (24) and a user interface (comprising, e.g., 16, 18, 26). The body (114) is configured to simultaneously support a plurality of objects including a mobile phone (118) and at least one

other object (e.g., coins 120 or keys 122). The wireless communication means (24) is for communicating with at least one of the plurality of objects to transfer data therefrom (e.g., the mobile phone 118). The user interface is responsive to the wireless communication means (24). The user interface is configured to provide to a user information received in the transferred data.

The wireless communication means (24) may comprise a low power radio frequency (LPRF) transceiver (p. 2, lines 29-30), such as Bluetooth® (p. 2, line 30), for example, and/or a radio frequency identification (RFID) detector (p. 3, line 7). It is believed that the terms "body" and "user interface" recite definite structures and, therefore, are not written in means plus function language.

Independent claim 11 includes the elements of independent claim 1 and further recites that the repository (10) comprises a display (16) configured to display information received from the mobile phone (118). It is believed that the term "display" recites a definite structure and, therefore, is not written in means plus function language.

In another exemplary embodiment, and as recited in independent claim 16, a repository (10) includes a body (114) and charging circuitry (22) within the body (114). The body (10) has a support surface (116) configured to simultaneously support a plurality of objects (e.g., 118, 120, 122) including a mobile telephone (118) and at least one other object (e.g., coins 120 or keys 122). The charging circuitry (22) is configured to recharge a mobile telephone (118). It is believed that the terms "body" and "charging circuitry" recite definite structures and, therefore,

are not written in means plus function language.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The first grounds for rejection (Issue A) presented for review by the Board is whether claims 1-3, 5-7, 9, 10, and 16 are anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 6,255,800 to Bork. Under Issue A: (A1) claims 1, 5, 6 and 10 stand or fall together; (A2) claims 2, 3 and 7 stand or fall together; and each of claims 9 (A3) and 16 (A4) stands or falls alone.

B. The second issue (Issue B) presented for review by the Board is whether claims 4, 8, and 11 are obvious under 35 U.S.C. §103(a) by U.S. Patent No. 6,255,800 to Bork in view of U.S. Patent Application Publication No. 2006/0022796 to Strierner. Under Issue B, each of claims 4 (B1), 8 (B2) and 11 (B3) stands or falls alone.

C. The third issue (Issue C) presented for review by the Board is whether claims 12-15 are obvious under 35 U.S.C. §103(a) by U.S. Patent No. 6,255,800 to Bork in view of U.S. Patent Application Publication No. 2005/0046567 to Mortenson et al. Under Issue C, claims 12-14 (C1) stand or fall together and claim 15 (C2) stands or falls alone.

(7) ARGUMENT

A. ISSUE A

A1. Claims 1, 5, 6 and 10

Independent claim 1 will be discussed below. Claims 5, 6 and 10 each depend, directly or

indirectly, from independent claim 1.

Independent claim 1 recites:

A repository, for a plurality of objects, comprising:
a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object;
wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom; and
a user interface responsive to the wireless communication means for providing information to a user received in the transferred data.

With regards to claim 1, the Examiner asserted that:

Bork teaches a repository (*Figure 15, element 46*), for a plurality of objects comprising:
a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object (*Figure 15, mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46*);
wireless communication means (*Figure 15, element 44*) for communicating with at least one of the plurality of objects (*Figure 15, mobile phone 52*) to transfer data therefrom (*Col 6, line 6-13*); and
a user interface (*Figure 16, between element 54 to element 45*) responsive to the wireless communication means (*Figure 16, element 46*) for providing information to a user (*Figure 16, element 54*) received in the transferred data (*element 6, line 6-13*).

Bork discloses, generally, a mobile device charging cradle to enable short distance wireless communication between a personal computer and at least one other wireless communication enabled electronic device. The charging cradle in Bork is combined with a wireless transceiver. The cradle, when connected to a personal computer, allows the personal computer to communicate wirelessly with other communication devices.

Bork does not disclose or suggest "a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object," as recited in claim 1. While the Examiner argued that "mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46," there is no disclosure or suggestion by Bork that anything other than a mobile phone 52 should be supported by the cradle 46. Furthermore, Bork does not disclose or suggest that the dimensions of the cradle 46 would be suitable for supporting anything in addition to the mobile phone 52, as shown in FIGS. 10 and 15 of Bork. The cradle 46 of Bork is used to provide wireless functionality to a personal computer 10 and to charge a single mobile phone 52. There is no disclosure or suggestion of "a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object," as recited in claim 1.

The Examiner further asserted, as noted above, that element 44 of Bork provides "wireless communication means for communicating with at least one of the plurality of objects." Element 44 is a wireless transceiver. In Bork, the wireless transceiver 44 provides the personal computer 10 with wireless communication functionality when the cradle is connected to the personal computer 10 (col. 5, lines 52-56). The wireless transceiver 44 is **not** used for communicating with the mobile phone 52 in the cradle 46. In fact, Bork discloses that when the cradle is attached to a personal computer, the computer can communicate wirelessly "whether or not another RF communication enabled portable electronic device is coupled to cradle 46" (col.5, lines 56-58). Thus, Bork does not disclose or suggest "a repository [] comprising... wireless

communication means for communicating with at least one of the plurality of objects," as recited in claim 1. In addition, in Bork, the only disclosed data transfer between the cradle 46 and the mobile phone 52 occurs via data connector 38 in the cradle 46. Clearly, this data transfer is not wireless. There is no disclosure of any other means of data transfer between the cradle 46 and the supported mobile phone 52. Therefore, Bork does not disclose or suggest "wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom," as recited in claim 1.

Lastly, as noted above, the Examiner asserted that Bork discloses "a user interface (*Figure 16, between element 54 to element 45*)". The Appellant can find no reference to element 45 in the description or drawings of Bork. There is no disclosure in Bork of "a repository [] comprising... a user interface." Furthermore, as there is no data transferred from the mobile phone 52 to the cradle 46 in Bork, there can be no disclosure of "a repository [] comprising... a user interface responsive to the wireless communication means for providing information to a user received in transferred data," as recited in claim 1.

For the reasons stated above, independent claim 1 is patentable over Bork and should be allowed. For at least this reason, claims 5, 6 and 10, which depend directly or indirectly from claim 1, are also patentable and should be allowed.

A2. Claims 2, 3 and 7

Claims 2, 3 and 7 depend, directly or indirectly, from claim 1. For at least the reasons stated

above with respect to claim 1, claims 2, 3 and 7 are also patentable and should be allowed.

Claim 2 recites: "A repository as claimed in claim 1, wherein the wireless communication means is arranged to detect proximal objects by communication therewith."

The Examiner rejected claim 2, asserting:

Bork teaches a repository (*Figure 15, element 46*), wherein the wireless communication means (*Figure 15, element 44*) is arranged to detect (*sense*) proximal objects (*Figure 15, mobile phone 52*) by communication therewith.

As noted above in Section A1, Bork does not disclose or suggest "a repository [] comprising... wireless communication means for communicating with at least one of the plurality of objects," as recited in claim 1. Since Bork does not disclose or suggest such wireless communication means, Bork cannot be seen to disclose or suggest "wherein the wireless communication means is arranged to detect proximal objects by communication therewith," as recited in claim 2.

In addition, although the Examiner asserted that, in Bork, the RF transceiver 44 of the cradle 46 can "sense" when the mobile phone 52 is nearby by communicating with the mobile phone 52, there is no disclosure or suggestion by Bork of any such feature, nor does the Examiner identify a specific portion of Bork that allegedly discloses such a feature. Claim 2 is patentable over Bork and should be allowed.

Claim 3 depends from claim 2. For at least the reasons stated above with respect to claim 2,

claim 3 is also patentable and should be allowed.

Claim 7 recites: "A repository as claimed in claim 1, wherein the wireless communication means comprises a LPRF transceiver for detecting proximal objects by communication therewith and for transferring data from a proximal object." For the reasons stated above with respect to claim 2, claim 7 is similarly patentable over Bork and should be allowed.

A3. Claim 9

Claim 9 depends from claim 1. For at least the reasons stated above with respect to claim 1, claim 9 is also patentable and should be allowed.

Claim 9 recites: "A repository as claimed in claim 1 in the form of a shelf."

The Examiner rejected claim 9, asserting:

Bork teaches a repository in the form of a shelf (*Figure 15, repository 46 is a form of shelf which can attached [sic] to the wall*).

The American Heritage Dictionary of the English Language (Fourth Edition) defines a "shelf" (definition 1a) as:

A flat, usually rectangular structure composed of a rigid material, such as wood, glass, or metal, fixed at right angles to a wall or other vertical surface and used to hold or store objects.

The Merriam-Webster Online Dictionary (accessed March 22, 2007) defines a "shelf" (definition

1a) as:

a thin flat usually long and narrow piece of material (as wood) fastened horizontally (as on a wall) at a distance from the floor to hold objects

There is no disclosure or suggestion by Bork that the cradle 46 can be attached to a wall or other vertical surface, nor does the Examiner identify a specific portion of Bork that allegedly discloses such a feature. Claim 9 is patentable over Bork and should be allowed.

A4. Claim 16

Independent claim 16 recites:

A repository comprising: a body having a support surface for supporting simultaneously a plurality of objects including a mobile telephone and at least one other object, and charging circuitry, within the body, for recharging a mobile telephone.

The Examiner rejected claim 16, alleging:

Bork teaches a repository (*Figure 15, element 46*), comprising: a body having a support surface for supporting simultaneously a plurality of objects including a mobile telephone and at least one other object, (*Figure 15, mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46*) and charging circuitry, within the body, for recharging a mobile telephone (*Figure 15, on top of box 46 a charging circuitry, with the body, for recharging a mobile telephone*).

Bork does not disclose or suggest "a body having a support surface for supporting simultaneously a plurality of objects including a mobile phone and at least one other object," as recited in claim 16. While the Examiner argued that "mobile phone 52 and coins or car keys can be put on top of

the box 46 which will be supported by the box 46," there is no disclosure or suggestion by Bork that anything other than a mobile phone 52 should be supported by the cradle 46. Furthermore, Bork does not disclose or suggest that the dimensions of the cradle 46 would be suitable for supporting anything in addition to the mobile phone 52, as shown in FIGS. 10 and 15 of Bork. The cradle 46 of Bork is used to provide wireless functionality to a personal computer 10 and to charge a single mobile phone 52. There is no disclosure or suggestion of "a body having a support surface for supporting simultaneously a plurality of objects including a mobile phone and at least one other object," as recited in claim 16. Claim 16 is patentable over Bork and should be allowed.

B. ISSUE B

B1. Claim 4

Claim 4 depends, indirectly, from claim 1. For at least the reasons stated above with respect to claim 1, claim 4 is also patentable and should be allowed.

Claim 4 recites: "A repository as claimed in claim 2, wherein the wireless communication means comprises an RFID detector."

Regarding a motivation to combine Strierner with Bork so as to render claim 4 obvious, the Examiner asserted:

Therefore, it would have been obvious... to use the teaching of a repository wherein the wireless communication means comprises an RFID detector, as taught by Strierner, in the Bork device in order to identify the student to the

network server 100 (*Page 3, paragraph 0046*).

MPEP §2143.01 states in part:

"The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

As noted above in Section A1, Bork discloses, generally, a mobile device charging cradle to enable short distance wireless communication between a personal computer and at least one other wireless communication enabled electronic device. The purpose of the described charging cradle is to combine the identified components such that a user would no longer need to purchase them separately or carry them individually. See, e.g., col. 3, lines 35-51 of Bork.

Strierner discloses, generally, a modular school computer system and method that includes wireless hubs that communicate with electronic devices (RFID modules 240) carried or worn by students and/or teachers. The purpose of the modular system, generally, is to track the location and/or attendance of an individual carrying or wearing the RFID module (e.g., for attendance, for determining if the correct students got off the bus at a stop).

It is submitted that Strierner is from a non-analogous art as compared to Bork. Although both disclosures deal, at least in part, with short-range wireless communication, the purposes behind the use of said communication are very different. Regardless whether or not it would have been beneficial "to use the teaching of a repository wherein the wireless communication means

comprises an RFID detector, as taught by Strierner, in the Bork device in order to identify the student to the network server 100," the Bork device is directed towards a charging cradle while the Strierner system is directed to a modular tracking system. Clearly, the disclosures of Bork and Strierner are directed to non-analogous arts and it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two references.

Furthermore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bork with Strierner so as to arrive at the subject matter of the instant application and/or the subject matter recited in claim 4. In one non-limiting, exemplary embodiment, the instant application discloses a repository comprising: a body configured to simultaneously support a plurality of objects including a mobile phone; wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom; and a user interface, responsive to the wireless communication means, configured to provide to a user information received in the transfer. It would not have been obvious to one of ordinary skill in the art to combine the teachings of Bork (a charging cradle) with the disclosure of Strierner (a modular tracking system) so as to read on the instant application (e.g., a repository as described above). There is no motivation to combine the teachings of Strierner with the disclosure of Bork so as to render claim 4 obvious.

B2. Claim 8

Claim 8 depends, indirectly, from claim 1. For at least the reasons stated above with respect to claim 1, claim 8 is also patentable and should be allowed.

Claim 8 recites: "A repository as claimed in claim 7, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data."

Regarding a motivation to combine Strierner with Bork so as to render claim 8 obvious, the Examiner asserted:

Therefore, it would have been obvious... to use the teaching of a repository, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data, as taught by Strierner, in the Bork device in order to store the transmitted data from the mobile unit, executing the program to control the operation and display the data in the display unit.

MPEP §2143.01 states in part:

"The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

As noted above in Section A1, Bork discloses, generally, a mobile device charging cradle to enable short distance wireless communication between a personal computer and at least one other wireless communication enabled electronic device. The purpose of the described charging cradle is to combine the identified components such that a user would no longer need to purchase them separately or carry them individually. See, e.g., col. 3, lines 35-51 of Bork.

Strierner discloses, generally, a modular school computer system and method that includes wireless hubs that communicate with electronic devices (RFID modules 240) carried or worn by

students and/or teachers. The purpose of the modular system, generally, is to track the location and/or attendance of an individual carrying or wearing the RFID module (e.g., for attendance, for determining if the correct students got off the bus at a stop).

It is submitted that Striemer is from a non-analogous art as compared to Bork. Although both disclosures deal, at least in part, with short-range wireless communication, the purposes behind the use of said communication are very different. Regardless whether or not it would have been beneficial "to use the teaching of a repository wherein the wireless communication means comprises an RFID detector, as taught by Striemer, in the Bork device in order to identify the student to the network server 100," the Bork device is directed towards a charging cradle while the Striemer system is directed to a modular tracking system. Clearly, the disclosures of Bork and Striemer are directed to non-analogous arts and it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two references.

Furthermore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bork with Striemer so as to arrive at the subject matter of the instant application and/or the subject matter recited in claim 8. In one non-limiting, exemplary embodiment, the instant application discloses a repository comprising: a body configured to simultaneously support a plurality of objects including a mobile phone; wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom; and a user interface, responsive to the wireless communication means, configured to provide to a user information received in the transfer. It would not have been obvious to one of ordinary skill

in the art to combine the teachings of Bork (a charging cradle) with the disclosure of Strierner (a modular tracking system) so as to read on the instant application (e.g., a repository as described above). There is no motivation to combine the teachings of Strierner with the disclosure of Bork so as to render claim 8 obvious.

In addition, Bork does not disclose or suggest any wireless communication between the cradle 46 and the mobile device 52, as noted above in Section A1, nor does Bork disclose or suggest that any data be transferred between the cradle 46 itself (e.g., no data from the phone 52 is stored on or manipulated by the cradle 46 itself) and the mobile device 52, also as noted above in Section A1. As such, it would be erroneous to argue that a valid motivation for combining Strierner with Bork is "to use the teaching of a repository, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data, as taught by Strierner, in the Bork device in order to store the transmitted data from the mobile unit, executing the program to control the operation and display the data in the display unit," as asserted by the Examiner.

B3. Claim 11

Claim 11 comprises all of the elements of claim 1 including an additional element. Note that claim 11, as filed, was dependent from claim 1. As such, the above-presented arguments for claim 1 are repeated below for claim 11. Please also note that, for purposes of clarity, the motivation for combining the two cited references and the additional element of claim 11 (i.e., the element not found in claim 1) are discussed first.

Claim 11 recites:

A repository, for a plurality of objects, comprising:
a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object;
wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom; and
a user interface responsive to the wireless communication means for providing information to a user received in the transferred data;
said repository comprising a display for displaying information received from the mobile phone. (emphasis added)

Regarding a motivation to combine Strierner with Bork so as to render claim 11 obvious, the Examiner asserted:

Therefore, it would have been obvious... to use the teaching of a repository comprising a display for displaying information received from the mobile phone, as taught by Strierner, in the Bork device in order to allow system administrators and users to communicate with other device [*sic*].

MPEP §2143.01 states in part:

"The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

As noted above in Section A1, Bork discloses, generally, a mobile device charging cradle to enable short distance wireless communication between a personal computer and at least one other wireless communication enabled electronic device. The purpose of the described charging cradle is to combine the identified components such that a user would no longer need to purchase them separately or carry them individually. See, e.g., col. 3, lines 35-51 of Bork.

Strierner discloses, generally, a modular school computer system and method that includes wireless hubs that communicate with electronic devices (RFID modules 240) carried or worn by students and/or teachers. The purpose of the modular system, generally, is to track the location and/or attendance of an individual carrying or wearing the RFID module (e.g., for attendance, for determining if the correct students got off the bus at a stop).

It is submitted that Strierner is from a non-analogous art as compared to Bork. Although both disclosures deal, at least in part, with short-range wireless communication, the purposes behind the use of said communication are very different. Regardless whether or not it would have been beneficial "to use the teaching of a repository wherein the wireless communication means comprises an RFID detector, as taught by Strierner, in the Bork device in order to identify the student to the network server 100," the Bork device is directed towards a charging cradle while the Strierner system is directed to a modular tracking system. Clearly, the disclosures of Bork and Strierner are directed to non-analogous arts and it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two references.

Furthermore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bork with Strierner so as to arrive at the subject matter of the instant application and/or the subject matter recited in claim 8. In one non-limiting, exemplary embodiment, the instant application discloses a repository comprising: a body configured to simultaneously support a plurality of objects including a mobile phone; wireless communication

means for communicating with at least one of the plurality of objects to transfer data therefrom; and a user interface, responsive to the wireless communication means, configured to provide to a user information received in the transfer. It would not have been obvious to one of ordinary skill in the art to combine the teachings of Bork (a charging cradle) with the disclosure of Striemer (a modular tracking system) so as to read on the instant application (e.g., a repository as described above). There is no motivation to combine the teachings of Striemer with the disclosure of Bork so as to render claim 8 obvious.

In addition, Bork does not disclose or suggest any wireless communication between the cradle 46 and the mobile device 52, as noted above in Section A1, nor does Bork disclose or suggest that any data be transferred between the cradle 46 itself (e.g., no data from the phone 52 is stored on or manipulated by the cradle 46 itself) and the mobile device 52, also as noted above in Section A1. As such, it would be erroneous to argue that a valid motivation for combining Striemer with Bork is "to use the teaching of a repository comprising a display for displaying information received from the mobile phone, as taught by Striemer, in the Bork device in order to allow system administrators and users to communicate with other device," as asserted by the Examiner.

With regards to claim 11, the Examiner asserted that:

Bork teaches a repository (*Figure 15, element 46*), for a plurality of objects comprising:

a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object (*Figure 15, mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46*);

wireless communication means (*Figure 15, element 44*) for

communicating with at least one of the plurality of objects (*Figure 15, mobile phone 52*) to transfer data therefrom (*Col 6, line 6-13*); and

a user interface (*Figure 16, between element 54 to element 45*) responsive to the wireless communication means (*Figure 16, element 46*) for providing information to a user (*Figure 16, element 54*) received in the transferred data (*element 6, line 6-13*), except for repository comprising a display for displaying information received from the mobile phone.

However, in related art, Striemer teaches a repository comprising a display for displaying information received from the mobile phone (*Figure 24, element 2450*).

The Merriam-Webster Online Dictionary (accessed March 22, 2007) defines a "repository" (definition 1) as: "a place, room, or container where something is deposited or stored." FIG. 24 of Striemer discloses a "student module" 2400 that contains a display 2450. The student module of FIG. 24 cannot be interpreted to be the claimed "repository" as it is not a container where a mobile phone is stored, let alone "a mobile phone and at least one other object," as recited in claim 11 of the instant application. Furthermore, the display 2450 is not used for displaying data received from a mobile phone.

Bork does not disclose or suggest "a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object," as recited in claim 11. While the Examiner argued that "mobile phone 52 and coins or car keys can be put on top of the box 46 which will be supported by the box 46," there is no disclosure or suggestion by Bork that anything other than a mobile phone 52 should be supported by the cradle 46. Furthermore, Bork does not disclose or suggest that the dimensions of the cradle 46 would be suitable for supporting anything in addition to the mobile phone 52, as shown in FIGS. 10 and 15 of Bork. The cradle 46 of Bork is used to provide wireless functionality to a personal computer 10 and to charge a

single mobile phone 52. There is no disclosure or suggestion of "a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object," as recited in claim 11.

The Examiner further asserted, as noted above, that element 44 of Bork provides "wireless communication means for communicating with at least one of the plurality of objects." Element 44 is a wireless transceiver. In Bork, the wireless transceiver 44 provides the personal computer 10 with wireless communication functionality when the cradle is connected to the personal computer 10 (col. 5, lines 52-56). The wireless transceiver 44 is **not** used for communicating with the mobile phone 52 in the cradle 46. In fact, Bork discloses that when the cradle is attached to a personal computer, the computer can communicate wirelessly "whether or not another RF communication enabled portable electronic device is coupled to cradle 46" (col.5, lines 56-58). Thus, Bork does not disclose or suggest "a repository [] comprising... wireless communication means for communicating with at least one of the plurality of objects," as recited in claim 11. In addition, the only disclosed data transfer between the cradle 46 and the mobile phone 52 occurs via data connector 38 in the cradle 46. Clearly, this data transfer is not wireless. There is no disclosure of any other means of data transfer between the cradle 46 and the supported mobile phone 52. Therefore, Bork does not disclose or suggest "wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom," as recited in claim 11.

Lastly, as noted above, the Examiner asserted that Bork discloses "a user interface (*Figure 16*,

between element 54 to element 45)". The Appellant can find no reference to element 45 in the description or drawings of Bork. There is no disclosure in Bork of "a repository [] comprising... a user interface." Furthermore, as there is no data transferred from the mobile phone 52 to the cradle 46 in Bork, there can be no disclosure of "a repository [] comprising... a user interface responsive to the wireless communication means for providing information to a user received in transferred data," as recited in claim 11.

For the reasons stated above, independent claim 11 is patentable over Bork in view of Strierner and should be allowed.

C. ISSUE C (CLAIMS 12-15)

Note that the immediately following arguments regarding motivation to combine (which is identical across claims 12-15) are presented with respect to all of claims 12-15. In an effort to avoid replication of identical text, the immediately following arguments are intended as supplemental to the arguments of subsections C1 and C2 which present individual arguments for claims 12-14 and claim 15, respectively.

The Examiner rejected claims 12-15 based on a combination of Bork and Mortenson et al.

MPEP §2143.01 states in part:

"The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab,

217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

As noted above in Section A1, Bork discloses, generally, a mobile device charging cradle to enable short distance wireless communication between a personal computer and at least one other wireless communication enabled electronic device. The purpose of the described charging cradle is to combine the identified components such that a user would no longer need to purchase them separately or carry them individually. See, e.g., col. 3, lines 35-51 of Bork.

Mortenson et al. disclose, generally:

A container and contents monitoring system includes a device, a reader, a server, a software backbone and a receptacle for housing a plurality of sensors. The device communicates with the plurality of sensors and the reader in order to determine the condition of the container and its contents. The reader transmits the information from the device to the server. The device determines if a container condition has occurred based on at least one sensor located on or in the container.
(Abstract)

The purpose of the monitoring system is to monitor the conditions of the internal environment of a container, and/or the integrity of the container, utilizing multiple sensors. See para. [0003] and [0057] of Mortenson et al. For example, the monitoring is to ensure that the monitored container's contents are not tampered with (e.g., monitoring whether the container is opened). The server storing the information may also store the location of the container based on the location of the sensor (para. [0059]).

It is submitted that Mortenson et al. is from a non-analogous art as compared to Bork. Although both disclosures deal, at least in part, with short-range wireless communication, the purposes

behind the use of said communication are very different. Regardless whether or not it would have been beneficial "to use the teaching of a repository, wherein the wireless communication means identifies an object that has been removed from the repository, as taught by Mortenson, in the Bork device in order to monitor the system," the Bork device is directed towards a charging cradle while the device of Mortenson et al. is directed to sensors for container integrity, location and security. Clearly, the disclosures of Bork and Mortenson et al. are directed to non-analogous arts and it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two references.

Furthermore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bork with Mortenson et al. so as to arrive at the subject matter of the instant application and/or the subject matter recited in claims 12-15. In one non-limiting, exemplary embodiment, the instant application discloses a repository comprising: a body configured to simultaneously support a plurality of objects including a mobile phone; wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom; and a user interface, responsive to the wireless communication means, configured to provide to a user information received in the transfer. It would not have been obvious to one of ordinary skill in the art to combine the teachings of Bork (a charging cradle) with the disclosure of Mortenson et al. (sensors for, e.g., shipping containers) so as to read on the instant application (e.g., a repository as described above). There is no motivation to combine the teachings of Mortenson et al. with the disclosure of Bork so as to render claims 12-15 obvious.

C1. Claims 12-14

Claims 12-14 depend, directly or indirectly, from claim 1. For at least the reasons stated above with respect to claim 1, claims 12-14 are also patentable and should be allowed.

Claim 12 recites: "A repository as claimed in claim 1, wherein the wireless communication means identifies an object that has been removed from the repository."

The Examiner rejected claim 12, asserting that: "Mortenson teaches a repository, wherein the wireless communication means identifies an object that has been removed from the repository (*Page 8, paragraph 0098*)."

It is submitted that Mortenson et al. discloses utilizing a device 12 for monitoring a container 10. See, e.g., FIGS. 2A-2T. That is, Mortenson et al. do not disclose or suggest that the monitored container 10 itself actually include the sensors (as located in the device 12), for example, by constructing the container 10 to include the sensors and associated equipment (e.g., the device 12) within its body. Rather, the device 12 is attached to or affixed within the container 10.

In contrast, the repository of the instant application comprises the wireless communication means. Thus, with respect to claim 12, it is a component of the repository (the wireless communication means) that "identifies an object that has been removed from the repository."

In fact, Mortenson et al. can be seen to teach away from the interpretation the Examiner asserted.

In para. [0016], Mortenson et al. state:

It would therefore be advantageous to provide a method of and system for both monitoring the movement of the doors of a container relative to the container structure **in a cost effective**, always available, yet reliable **fashion** as well as providing for a data path or gateway for multiple sensors placed in a container to detect alternative means of intrusion or presence of dangerous or illicit contents to receivers in the outside world.

The device 12 of Mortenson et al. is designed to be cost effective. It would be more expensive to incorporate the disclosure of Mortenson et al. in the design of a container as compared to the design of a device to be attached to or affixed within a container, which is what Mortenson et al. actually disclose.

Mortenson et al. does not disclose or suggest "a repository [] comprising... wireless communication means," as recited in claim 1, let alone "wherein the wireless communication means identifies an object that has been removed from the repository," as recited in claim 12. Claim 12 is patentable over Bork in view of Mortenson et al. and should be allowed.

Claims 13 and 14 depend, directly or indirectly, from claim 12. For at least the reasons stated above with respect to claim 12, claims 13 and 14 are also patentable and should be allowed.

C2. Claim 15

Claim 15 depends, indirectly, from claim 1. For at least the reasons stated above with respect to claim 1, claim 15 is also patentable and should be allowed.

Claim 15 recites: "A repository as claimed in claim 13, wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and the removal of a first object from the repository." (emphasis added)

The Examiner rejected claim 15, asserting that:

[T]he combination of Bork and Mortenson teach all the claimed elements in claim 13. In addition, Mortenson teaches a repository, wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and the removal of a first object from the repository (*Paragraph 0060*).

It is submitted that Mortenson et al. discloses utilizing a device 12 for monitoring a container 10. See, e.g., FIGS. 2A-2T. That is, Mortenson et al. do not disclose or suggest that the monitored container 10 itself actually include the sensors (as located in the device 12), for example, by constructing the container 10 to include the sensors and associated equipment (e.g., the device 12) within its body. Rather, the device 12 is attached to or affixed within the container 10.

In contrast, the repository of the instant application comprises the wireless communication means. Thus, with respect to claim 15, it is a component of the repository (the processor) that "activate[s] the alert."

In fact, Mortenson et al. can be seen to teach away from the interpretation the Examiner asserted. In para. [0016], Mortenson et al. state:

It would therefore be advantageous to provide a method of and system for both

monitoring the movement of the doors of a container relative to the container structure in a cost effective, always available, yet reliable fashion as well as providing for a data path or gateway for multiple sensors placed in a container to detect alternative means of intrusion or presence of dangerous or illicit contents to receivers in the outside world.

The device 12 of Mortenson et al. is designed to be cost effective. It would be more expensive to incorporate the disclosure of Mortenson et al. in the design of a container as compared to the design of a device to be attached to or affixed within a container, which is what Mortenson et al. actually disclose.

Mortenson et al. does not disclose or suggest "a repository [] further comprising... a processor," as recited in claim 13, let alone "wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and the removal of a first object from the repository," as recited in claim 15.

Furthermore, Mortenson et al. do not disclose or suggest that any data be transferred to the repository itself (e.g., a repository comprising wireless communication means). As such, Mortenson et al. cannot be seen to disclose a repository comprising a processor, "wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and the removal of a first object from the repository," as recited in claim 15.

For at least the above reasons, claim 15 is patentable over Bork in view of Mortenson et al. and should be allowed.



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CONCLUSION

For at least the above reasons, the Applicant/Appellant contends that the cited art does not render any of the claims anticipated or obvious. The Applicant/Appellant respectfully requests that the Board reverse the final rejection of claims 1-16 in the Final Office Action of June 1, 2006, and further that the Board rule that the pending claims are patentable over the cited art.

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(8) CLAIMS APPENDIX

1. A repository, for a plurality of objects, comprising:
a body for supporting simultaneously a plurality of objects including a mobile phone
and at least one other object;
wireless communication means for communicating with at least one of the plurality of
objects to transfer data therefrom; and
a user interface responsive to the wireless communication means for providing
information to a user received in the transferred data.
2. A repository as claimed in claim 1, wherein the wireless communication means is
arranged to detect proximal objects by communication therewith.
3. A repository as claimed in claim 2, wherein the wireless communication
means comprises a LPRF transceiver.
4. A repository as claimed in claim 2, wherein the wireless communication
means comprises an RFID detector.
5. A repository as claimed in claim 1, wherein the wireless communication means
transfers data from an object.
6. A repository as claimed in claim 5, wherein the wireless communication
means comprises a LPRF transceiver.
7. A repository as claimed in claim 1, wherein the wireless communication
means comprises a LPRF transceiver for detecting proximal objects by communication
therewith and for transferring data from a proximal object.

8. A repository as claimed in claim 7, further comprising a memory; and a processor for controlling a display of the user interface to display the transferred data.
9. A repository as claimed in claim 1 in the form of a shelf.
10. A repository according to claim 1, having a substantially planer support surface.
11. A repository, for a plurality of objects, comprising:
 - a body for supporting simultaneously a plurality of objects including a mobile phone and at least one other object;
 - wireless communication means for communicating with at least one of the plurality of objects to transfer data therefrom; and
 - a user interface responsive to the wireless communication means for providing information to a user received in the transferred data;said repository comprising a display for displaying information received from the mobile phone.
12. A repository as claimed in claim 1, wherein the wireless communication means identifies an object that has been removed from the repository.
13. A repository as claimed in claim 12, further comprising a processor responsive to the communication means for activating an alert in the user interface.
14. A repository as claimed in claim 13, wherein the processor is arranged to activate the alert when a first object has been removed from the repository but a second object has not been removed.
15. A repository as claimed in claim 13, wherein the processor is arranged to activate the alert in dependence upon data transferred via the communication means to the repository and

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the removal of a first object from the repository.

16. A repository comprising: a body having a support surface for supporting simultaneously a plurality of objects including a mobile telephone and at least one other object, and charging circuitry, within the body, for recharging a mobile telephone.

END OF CLAIMS

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(9) EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by Appellant.

(10) RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. §41.37.